

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SHANNON SEMLER,

9 Plaintiff,

10 v.

11 UNUM LIFE INSURANCE COMPANY
OF AMERICA,

12 Defendant.

CASE NO. 3:22-cv-5848

ORDER TO SHOW CAUSE

13
14 The Court raises this matter sua sponte. Plaintiff Shannon Semler filed this
15 matter on November 1, 2022. Dkt. No. 1. Her attorney moved to withdraw on
16 January 31, 2023. Dkt. No. 9. The Honorable Benjamin H. Settle granted the
17 motion on February 21, 2023, and stayed the case for 90 days, until May 22, 2023,
18 to allow Semler time to find a new attorney. Dkt. No. 10. Judge Settle also ordered
19 the parties to file a joint status report by May 26, 2023. *Id.* On May 26, 2023,
20 Defendant Unum Life Insurance Company filed a unilateral Status Report, stating
21 that “Defendant has not been contacted by Plaintiff or by an attorney or other
22 representative for the Plaintiff after February 21, 2023.” Dkt. No. 12 at 1.
23

1 Semler has taken no action on the docket since her attorney withdrew on
2 January 31, 2023. *See generally* Dkt.

3 Under Rule 41(b), a district court may dismiss an action for failure to
4 prosecute or to comply with rules or a court order. *See* Fed. R. Civ. P. 41(b); *see also*
5 LCR 41(b)(1) (“Any case that has been pending in this court for more than nine
6 months without any proceeding of record having been taken may be dismissed by
7 the court on its own motion for lack of prosecution.”). This Court’s power to dismiss
8 an action for failure to prosecute “is necessary in order to prevent undue delays in
9 the disposition of pending cases and to avoid congestion in the calendars of the
10 district courts.” *Australasia Charterers Ltd. v. Worldwide Bulk Shipping Pte Ltd.*,
11 No. C21-98 RSM, 2023 WL 7300966, at *1 (W.D. Wash. Nov. 6, 2023) (citing *Link v.*
12 *Wabash R. Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962))
13 (cleaned up); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683,
14 689 (9th Cir. 2005) (explaining that district courts may sua sponte dismiss actions
15 under Rule 41(b) for failure to comply with court orders or prosecute).

16 Semler has undertaken no proceedings of record in her case for more than
17 nine months, and the last action taken was by her attorney when she withdrew
18 from the representation. In response to this Order, Semler must write a short
19 statement, not to exceed six (6) pages, explaining why this case should not be
20 dismissed for failure to prosecute.

21 The Court ORDERS Semler to file a Response to this Order to Show Cause no
22 later than thirty (30) days from the date of this Order. Failure to file this Response
23 will result in dismissal of Semler’s action.

1 Dated this 17th day of November, 2023.

2 

3 _____
4 Jamal N. Whitehead
5 United States District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23